

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2001-227-C - ORDER NO. 2001-725

AUGUST 10, 2001

IN RE: Mamie L. Jackson,	)	ORDER
	)	DISMISSING
Complainant,	)	COMPLAINT
	)	
vs.	)	
	)	
BellSouth Telecommunications, Inc.,	)	
	)	
Respondent.	)	
	)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion to Dismiss filed by BellSouth Telecommunications, Inc. (BellSouth). If granted, the effect of the Motion would be to dismiss the Complaint of Mamie L. Jackson (Mrs. Jackson). For the reasons stated below the Motion to Dismiss is granted.

On May 16, 2001, Mrs. Jackson contacted BellSouth to establish telephone service. At the time of the application for service, Mrs. Jackson owed BellSouth \$519.82, according to BellSouth's Motion. The service was established on May 16, 2001, and BellSouth discovered Mrs. Jackson's non-payment of the past overdue account on the same day. Her service was terminated, but was later reconnected, pending resolution of this Complaint matter. BellSouth notes that the account remained unpaid, despite Mrs. Jackson's failure to eliminate the charges through previous litigation.

According to BellSouth, there is no basis upon which Mrs. Jackson can support the allegation that the amount owed to BellSouth is the result of her being overbilled for long-distance service. The Commission dismissed a prior complaint on this topic, and Mrs. Jackson's appeal of the dismissal was upheld by the Circuit Court. Accordingly, BellSouth states that Mrs. Jackson fails to state a claim in her complaint, and asks that this Commission dismiss the Complaint with prejudice.

Mrs. Jackson disputes the allegations of the Motion, and asks that her complaint be set for hearing and sent to an Administrative Law Judge for a determination.


We grant the Motion to Dismiss. First, we agree that Mrs. Jackson fails to state a claim in her complaint. It appears that the monies involved cannot be tied to being overbilled for long distance service. This matter has already been disposed of. Further, it appears that Mrs. Jackson has made only ten (10) \$5.00 payments on the past due account since 1997. Further, we have no jurisdiction to send the matter to an Administrative Law Judge for determination. The Complaint is therefore dismissed, with prejudice.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)